

Clarence Planning Board Minutes

Wednesday, June 21, 2006

Work Session (6:30 PM)

- Roll Call
- Minutes
- Sign review
- Update on pending items
- Committee reports
- Zoning reports
- Miscellaneous
- Agenda Items

Agenda Items (7:30 PM)

Item 1

Benderson Development/Eastgate Plaza
Major Arterial

Requests a recommendation for a building permit for an 8,150 square foot addition to the Eastgate Plaza at 5033 Transit Road.

Item 2

Rolling Creek
Residential Singe-Family

Requests a recommendation on Development Plan Approval for a 4-lot Open Development Area with two (2) frontage lots at 8955 Roll Road.

Patricia Powers, Chairperson, called the meeting to order at 7:40 p.m. Councilman Scott Bylewski led the pledge to the flag.

Planning Board Members Present:

Patricia Powers
Richard Bigler
Philip Sgamma
Timothy Pazda

Wendy Salvati
Jeffrey Grenzebach
Gerald Drinkard

Planning Board Members Absent:

George Van Nest

Other Town Officials Present:

Councilman Scott Bylewski
James Callahan, Director of Community Development
James Hartz, Asst. Director of Community Development
David Donohue, Deputy Town Attorney

Other Interested Parties Present:

William Schutt
Jeff Palumbo
Guy Berberich

Motion by Gerald Drinkard, seconded by Wendy Salvati, to approve the minutes of the meeting held on June 7, 2006, with the following adjustments:

- Page 129, second paragraph from the bottom, should read “**Erie** County Highway Department.”
- Page 130, paragraph two (2) shall read “**Steve and Joyce** Bakowski, who will be developing the land next to the horse farm, **said they** have discussed...”
- Page 131, last paragraph, the second line shall read “...systems are **to be** located in the front of the **lots**...”
- Page 133, first paragraph, fifth sentence, shall read “...the site **with** a cul-de-sac...”

Patricia Powers	Abstain	Wendy Salvati	Aye
Richard Bigler	Aye	Jeff Grenzebach	Abstain
Phil Sgamma	Aye	Gerald Drinkard	Aye
Timothy Pazda	Aye		

MOTION CARRIED.

Patricia Powers explains that due to the absence of one (1) Planning Board member, Richard Bigler will be discussing and voting on all agenda items this evening.

Item 1

Benderson Development/Eastgate Plaza
Major Arterial

Requests a recommendation for a building permit for an 8,150 square foot addition to the Eastgate Plaza at 5033 Transit Road.

DISCUSSION:

Jim Callahan provides the background on the project. The property is located on the east side of Transit Road, south of Greiner Road. The property consists of approximately seventy (70) acres, zoned Major Arterial. The request is for an eight-thousand (8,000) square foot addition to the existing plaza. This item has been on the Planning Board agenda on several occasions resulting in tabling based on traffic concerns. A traffic mitigation plan has been presented.

Jeff Palumbo, of Renaldo & Palumbo Attorneys, is representing the petitioner Benderson Development Company. Mr. Palumbo explains that the site plan has somewhat been modified. The “T” intersection, located at the signalized access on Transit Road, has been eliminated. It will become a four-way intersection. The intersection has been re-landscaped to meet the Town requirements. A letter has been provided from DDR, the current owner of the property, which indicates their agreement to provide access on both the Greiner Road and Sheridan Drive sides pending various conditions are met.

Gerald Drinkard asks if there will be two (2) left hand turns out of the plaza on to Transit Road, he thought the Department of Transportation (DOT) did not allow this. Jim Callahan explains that the indication of two (2) left hand turns is a mistake on the drawing. Jeff Palumbo explains that the original plan was to have two (2) left hand turns, but the DOT rejected it, he concurs that the indication of the two (2) left hand turns is a mistake on the drawing. Gerald Drinkard asks what can be done to relieve the traffic at this particular corner. Is there an opportunity to have an exit at Applebee’s on the east side of the parking lot? This would disallow people “straddling” the current corridor and blocking traffic on to Transit Road. Mr. Palumbo explains that DDR and Benderson have met with Applebee’s

in an attempt to discuss the traffic issue and Applebee's is not willing to give up any of the parking spaces that would be eliminated as a result of the addition of a new driveway.

Timothy Pazda suggests, if it is the desire of the Planning Board, pursuing the access through Applebee's parking lot.

Jim Callahan suggests looking at an access through Ben Garelick's parking lot as well. Mr. Palumbo has no objection to pursuing an additional access, however, the petitioner is bound by various leases and Mr. Palumbo can not say that an additional access will come to pass.

David Donohue asks if these suggestions are "band-aids" to overcome the real problem which is the north/south entrances. Wendy Salvati thinks this is a way to try to help traffic move out of the current corridor.

Mr. Palumbo wonders if creating another difficult turn is a good idea. By opening up another access road it may create another exit on to Transit Road and it would be better to have the vehicles at a signalized intersection. If people were having such a difficult time entering and exiting Applebee's, they would not go to the restaurant, but they are going. The issue with all the individual parcels is giving up parking spaces. Timothy Pazda thinks the individual parcels would look at it as a safety issue, even for emergency vehicles; there is only one way into the parking lots.

Jim Callahan reports that he sent a letter to DOT and they are looking at the timing on the signals.

ACTION:

Motion by Patricia Powers, seconded by Jeff Grenzebach, to **recommend approval** for a building permit for an 8,150 square foot addition to the Eastgate Plaza at 5033 Transit Road with the following conditions:

- the Planning Board is in receipt of the two (2) letters requested at April 27, 2006 meeting.
- the project will not be placed on a Town Board agenda until the Town Attorney has reviewed the letter from Benderson Development dated June 14, 2006, and DDR's letter dated June 12, 2006.
- subject to Commercial Open Space fees.
- an additional access point at the southeast corner of Applebee's to relieve the congestion in and out of the one (1) Applebee's access, similar to the one just south of Applebee's at McDonald's, be considered.

ON THE QUESTION:

Timothy Pazda advises leaving the action as specific as it is in order to provide the Town Board with as much direction as possible. Wendy Salvati agrees, she refers to the traffic concern and adds, "Something needs to be looked at." Mr. Palumbo represents to the Board that he and the petitioner will meet with Applebee's again before the Town Board meeting in hopes to have some information one way or the other.

Timothy Pazda asks what the regulations will be at the intersection. Mr. Palumbo said whatever the Board prefers is fine. Patricia Powers explains that the plan the Board looked at shows a north and south stop sign and the boulevard remains a straight shot with the right-of-way. Wendy Salvati looks at a plan and does not see any indication on how the intersection will be controlled. Jim Callahan said it should remain as is.

Patricia Powers	Aye	Wendy Salvati	Aye
Richard Bigler	Aye	Jeff Grenzebach	Aye
Phil Sgamma	Aye	Gerald Drinkard	Aye
Timothy Pazda	Aye		

MOTION CARRIED.

Item 2

Rolling Creek
Residential Single-Family

Requests a recommendation on Development Plan
Approval for a 4-lot Open Development Area
with two (2) frontage lots at 8955 Roll Road.

DISCUSSION:

Jim Callahan provides the history on the project. It is located on the south side of Roll Road east of Shimerville. It consists of approximately twenty-nine (29) acres, zoned Residential Single-Family. A Negative Declaration under SEQR was issued on December 7, 2005, Concept Approval was granted on December 21, 2005.

William Schutt, of William Schutt & Associates, is the project sponsor for Guy Berberich. Mr. Schutt advises that his plan has been circulated and has obtained approval through the various departments. The Engineering Department and the Water Authority has approved the project.

Patricia Powers explains that the Fire Advisory Board granted approval on November 17, 2005 however they specified that the hydrants should be 400'-500' apart. On the plan there is a fire hydrant plan far to the back.

The plan shows mitigation has been done for the landscaping.

ACTION:

Motion by Wendy Salvati, seconded by Phil Sgamma, to **recommend** Development Plan approval for a 4-lot Open Development Area with two (2) frontage lots at 8955 Roll Road with the following conditions:

- the Town Attorney's office shall review the proposed Home Owners Association agreement.
- an approved landscape plan is required.
- the fire hydrants are to be as shown on the development plan.
- any area that is to remain undisturbed shall be protected by orange fencing or police tape during the construction period.
- the conditions of the Town Engineer's letter of June 7, 2006 must be met.
- the project is subject to open space and recreation fees.

-the Assessor's office memo states that the private road must be named for addressing purposes.

ON THE QUESTION:

Wendy Salvati points out that some of the lots are big and she hopes the intention is that portions of them will be left in their natural state. The eleven (11) acre lot is Mr. Berberich's lot and he assures the Board that this lot will stay as is.

Patricia Powers	Aye
Richard Bigler	Aye
Phil Sgamma	Aye
Timothy Pazda	Aye

Wendy Salvati	Aye
Jeff Grenzebach	Aye
Gerald Drinkard	Aye

MOTION CARRIED.

Meeting adjourned at 8:02 p.m.

Patricia Powers, Chairperson